

**District of Columbia  
Office of Administrative Hearings**

One Judiciary Square  
441 Fourth Street, NW  
Washington, DC 20001-2714  
TEL: (202) 442-9094

DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND  
REGULATORY AFFAIRS

Petitioner,

v.

LAWRENCE I. NWANKWO  
Respondent

Case No: 2010-DCRA-00550  
NOI No.: I702214

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**FINAL ORDER**

**I. Introduction**

On June 16, 2010, the Government served a Notice of Infraction on Respondent Lawrence I. Nwanko alleging a violation of 12A DCMR 114.1 (two counts), failure to comply with terms of stop work order; and unauthorized removal of a posted stop work order; 12A DCMR 105.1 (four counts), engaging in plumbing without a permit, construction without a permit, construction without an electrical permit, interior demolition without a building permit; renovations without a building permit; and DC Code § 47-2851.02(a)(1), operating a business without a license, residential housing endorsement.<sup>1</sup> These violations are alleged to have occurred on February 25, 2010 at 818 Buchanan Street, NW (the “Property”).<sup>2</sup> The Government sought a total fine of \$14000.

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<sup>1</sup> 12A DCMR 105.1 provides in pertinent part:

Respondent filed a plea of Deny. This administrative court issued a hearing notice and scheduling order setting the hearing date for September 13, 2011. The hearing was held on September 13, 2011. The Government was represented by Mr. Jay Sarabian, Esq. Assistant Attorney General Department of Consumer and Regulatory Affairs (“DCRA”). Inspector Nicole Kerr of DCRA testified as a witness who issued the Notice of Infraction. Respondent failed to appear without requesting a continuance or otherwise explaining his absence prior to the hearing. Accordingly, the hearing proceeded in Respondent’s absence. D.C. Official Code § 2-1802.03(b). Based upon the entire record in this matter, I hereby make the following findings of fact and conclusions of law.

## **II. Findings of Fact**

Inspector Kerr inspected the Property after a tenant called DCRA to complain about the Property. On February 25, 2010, Inspector Kerr found that a Stop Work Order which had been issued on the Property on January 27, 2010 had been removed. She called the permit office at DCRA and found that the previous Stop Work Order had been issued on the Property on January 27, 2010, and had been placed on the Property.

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A permit shall be obtained from the code official before any of the construction activities or regulated actions specified in Sections 105.1.1 through 105.1.13 shall begin.

12A DCMR 114.1 provides that:

Authority. Whenever the code official finds that any work on any building, structure or premises is being performed contrary to the provisions of the Construction Codes, or the Zoning Regulations or in an unsafe or dangerous manner, the code official is authorized to issue a stop work order.

DC Code 47-2851.02(a) provides that:

- (a) A person which is required under law to obtain a license issued in the form of an endorsement to engage in a business in the District of Columbia shall not engage in such business in the District of Columbia without having first obtained a basic business license and any necessary endorsements in accordance with this subchapter.

<sup>2</sup> This case arises under the Civil Infractions Act of 1985, as amended (D.C. Official Code §§ 2-1801.01 et seq.).

Inspector Kerr entered the Property and found that there was no business license although there were several rooms with individual locks indicating that the Property was being operated as a rooming house. There were nine individual rooms. Inspector Kerr contacted the licensing department of DCRA and found that no business license for the Property had been issued. Inspector Kerr also found that the first floor bathroom had been newly renovated. A new toilet, sink, and electrical outlets had been installed. No permit had been issued for the renovations on the Property.

### **III. Conclusions of Law**

The Government has proven by a preponderance of the evidence that violations of 12A DCMR 114.1 failure to comply with terms of stop work order; 12A DCMR 105.1 (four counts), engaging in plumbing without a permit, construction without a permit, construction without an electrical permit, interior demolition without a building permit; renovations without a building permit; and DC Code § 47-2851.02(a)(1), operating a business without a license, residential housing endorsement had occurred. The violations took place on February 25, 2010. The District of Columbia Government has prescribed a fine of \$2000 for each count, for a total of \$12,000. 16 DCMR 3301.1(u). I will assess a fine in that amount. The Government failed to cite the correct provision for improper removal of a stop work order, therefore I will dismiss that charge.

### **IV. Order**

Based on the above findings of fact and conclusions of law, and the entire record of this case, it is this \_\_\_\_ day of \_\_\_\_\_, 2011:

**ORDERED**, that Respondent Lawrence J. Nwankwo is **LIABLE** for the violations charged in this matter, except the charge of unauthorized removal of a Stop Work Order; and it is further

**ORDERED**, that Respondent shall pay a fine in the amount of **TWELVE THOUSAND DOLLARS (\$12000)** in accordance with the attached instructions within 20 calendar days of the date of mailing of this Order (15 calendar days plus 5 days for service by mail pursuant to D.C. Official Code §§ 2-1802.04 and 2-1802.05); and it is further

**ORDERED**, that if Respondents fail to pay the above amount in full within 20 calendar days of the date of mailing of this Order, by law, interest must accrue on the unpaid amount at the rate of 1½%, per month or portion thereof, beginning with the date of this Order, pursuant to D.C. Official Code § 2-1802.03(i)(1); and it is further

**ORDERED**, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondents' licenses or permits, pursuant to D.C. Official Code § 2-1802.03(f), the placement of a lien on real or personal property owned by Respondents, pursuant to D.C. Official Code § 2-1802.03(i) and the sealing of Respondents' business premises or work sites, pursuant to D.C. Official Code § 2-1801.03(b)(7); and it is further

**ORDERED**, that the appeal rights of any party aggrieved by this Order are stated below.

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Audrey J. Jenkins  
Administrative Law Judge

## MOTIONS FOR RECONSIDERATION

Any party served with a final order may file a motion for reconsideration within ten (10) days of service of the final order in accordance with 1 DCMR 2937. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2811.5.

A motion for reconsideration shall be granted only if there has been an intervening change in the law; if new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration; if there is a clear error of law in the final order; if the final order contains typographical, numerical, or technical errors; or if a party shows that there was a good reason for not attending the hearing.

The Administrative Law Judge has thirty (30) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 30 days have passed, the motion is automatically denied and the 10 day period for filing an appeal to the D.C. Court of Appeals begins to run.

## PAYMENTS

If a payment is required by this Order, to be properly credited to your case(s) the payment must be sent to the attention of the Clerk of the Office of Administrative Hearings. Payments are only accepted by personal check, cashier's check, or money order and must be made payable to "D.C. TREASURER." **Be sure to write the case number on the front of the check or money order.** Make a photocopy of the check for your records. **IMPORTANT: Please do not call the D.C. Court of Appeals with questions about how to make any payments required under this Order.** Enclose full payment and mail the check in an envelope with required postage to:

Clerk  
District of Columbia  
Office of Administrative Hearings  
One Judiciary Square  
441 4<sup>th</sup> Street, NW  
Washington, DC 20001-2714

If you have questions, please call the Clerk's Office at 202-442-9094.

## APPEAL RIGHTS

Pursuant to D.C. Official Code §§ 2-1831.16(c)-(e), any party suffering a legal wrong or adversely affected or aggrieved by this Order may seek judicial review by filing an original petition for review and six copies with the District of Columbia Court of Appeals at the following address:

Clerk  
District of Columbia Court of Appeals  
430 E Street, NW, Room 115  
Washington, DC 20001  
202-879-2700

The petition for review (and required copies) may be mailed or delivered in person to the Clerk of the D.C. Court of Appeals, and must be received by the Clerk of the Court of Appeals within thirty (30) calendar days of the mailing date of this Order, pursuant to D.C. App. R. 15(a)(2). Information on petitions for review to the Court of Appeals can be found in Title III of the Rules of the District of Columbia Court of Appeals.

**IMPORTANT NOTICES:**

- 1. By law, the amount of a lawfully imposed fine cannot be modified or reduced on appeal. D.C. Official Code § 2-1831.16(g).**
- 2. Filing a petition for review does not stay (stop) the requirement to comply with a Final Order, including any requirement to pay a fine, penalty or other monetary sanction imposed by a Final Order. If you wish to request a stay, you must first file a written motion for a stay with the Office of Administrative Hearings. If the presiding Administrative Law Judge denies a stay, you then may seek a stay from the D.C. Court of Appeals.**

**Certificate of Service:**

**By First Class Mail (Postage Prepaid):**

Lawrence I. Nwankwo  
818 Buchanan Street, NW  
Washington, DC 20011

**By Interagency Mail:**

Melinda Bolling  
Attn: Jay Surabian  
Department of Consumer and Regulatory Affairs  
1100 4th Street, SW, 5<sup>th</sup> Floor  
Washington, DC 20024

I hereby certify that on \_\_\_\_\_, 2011, this document was caused to be served upon the parties named on this page at the addresses listed and by the means stated.

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Clerk/Deputy Clerk